[27-ஆம் பக்கத்திலுள்ள இனம் 5 (2) க்கான அடிக்குறிப்பைக் காண்க.

L. A. BILL No. 43 OF 1972.

(As passed by the Assembly)

A Bill further to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Sixth Amendment Act, 1972.

2. *Definition.*—In this Act, " principal Act " means the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), as subsequently modified.

3. *Tamil Nadu Act* 58 *of* 1961, *as subsequently modified, to have effect subject to modifications.*—The principal Act shall, on and from the 1st day of March 1972, have effect as if,—

(1) in section 10 of the principal Act,—

(i) in sub-section (4), after the expression " as far as practicable ", the expression " but subject to the provisions of sub-sections (4-A) and (4-B) ", had been inserted ;

(ii) after sub-section (4), the following sub-section had been inserted, namely :—

" (4-A) Notwithstanding anything contained in sub-section (4), where the transfer or partition of any land has been declared to be void under section 22, it shall be the duty of the authorised officer to include, subject to the provisions of sub-section (4-B), such land within the ceiling area of the transferor or the person effecting the partition, as the case may be, as if no such transfer or partition had taken place:

Provided that in respect of the land so included nothing in this sub-section shall affect the rights of the transferee or of the person in whose favour the partition was effected.

(4-B). Where the transfer of any land has been declared to be void under section 22 and where the extent of the land so transferred is in excess of the ceiling area of the transferer, the land so transferred shall be included within the ceiling area of the transferor in the following order of preference—

(i) firstly, land transferred to a person who was landless immediately before the date of such transfer and who was not related to the transferor or any member of his family ;

(ii) secondly, land transferred to a cultivating tenant who was cultivating that land immediately before the date of such transfer ;

(iii) thirdly, land transferred to a person, who was not related to the transferor or any member of his family ; and

(iv) land transferred to others.

Explanation.—In this sub-section "landless person" means a person who does not hold any land." ;

(2) in section 18 of the principal Act,—

(*a*) in sub-section (3), for the words "with effect from the date of such publication", the words "with effect from the date of the commencement of this Act" had been substituted ;

(*b*) in the proviso to sub-section (3), for the expression "on the date of such publication", the expression "on the date of the publication of the notification under sub-section (1)" had been substituted ;

(*c*) after sub-section (3), the following sub-section had been inserted, namely :—

(3-A) (*a*) Every person who, after the date of the Commencement of this Act, was in possession of, or deriving any benefit from, the property vested in the Government under sub-section (3) shall be liable to pay to the Government, for the period, after such commencement, for which he was in such possession or deriving such benefit, an amount as compensation for the use, occupation or enjoyment of that property as the authorised officer may fix in the prescribed manner. Such officer shall take into consideration such factors as may be prescribed.

(*b*) Any amount payable to the Government under clause (*a*) shall be recoverable as arrears of land revenue".

4. *Modification of section 22 of the principal Act.*—The principal Act shall on and from the 2nd October 1970, have effect as if, in section 22 of the principal Act,—

(*a*) in the heading, for the word "Transfer", the words "Transfer or partition" had been substituted ;

(*b*) after the words "except by bequest", the words "or has effected a partition of his holding or part thereof" had been inserted ;

(*c*) after the words "affected by such transfer", the words "or partition" had been inserted ;

(*d*) for the words " declare the transfer to be void if he finds that the transfer ", the words " declare the transfer or partition to be void if he finds that the transfer or the partition, as the case may be " had been substituted.

5. *Insertion of new section 88-A in the principal Act.*—The principal Act shall, on and from the date of the publication of this Act in the *Tamil Nadu Government Gazette*, have effect as if, after section 88 of the principal Act, the following section had been inserted, namely :—

" 88-A. *Penalty for furnishing return showing land subject to void transfers or partitions under section 22 as surplus land.*—Where the transfer or partition of any land has been declared to be void under section 22, and if any person has in the return furnished by him under this Act specified such land to be declared as surplus land of the transferor or of the person effecting the partition, the person so furnishing the return shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both."

இணைப்பு III

[32 ஆம் பக்கத்தில் இனம் 5 (3)க்கான அடிக்குறிப்பைக் காண்க]

L.A. BILL No. 44 of 1972.

(As passed by the Assembly).

A Bill further to amend the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Amendment Act, 1972.

2. *Amendment of section 2, Tamil Nadu Act 57 of 1961.*—In section 2 of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) (hereinafter referred to as the principal Act), to clauses (18) and (29), the following *Explanation* shall be added, namely :—

' *Explanation.*—The expression " fruit or nut-bearing trees " shall not include plantian trees. "